

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

JOSHUA SILFEE, individually and on  
behalf of all others similarly situated,

Plaintiff,

v.

AUTOMATED DATA PROCESSING,  
INC., and ERG STAFFING SERVICE,  
LLP

Defendants.

CIVIL ACTION NO. 3:15-CV-00023

(JUDGE CAPUTO)

**ORDER**

**NOW**, this 15th day of September, 2016, **IT IS HEREBY ORDERED** as follows:

- (1) Defendant Automated Data Processing, Inc.'s Motion to Compel Arbitration and Stay Litigation (Doc. 36) is **DENIED**.
- (2) Defendant ERG Staffing Services, LLP's Motion to Compel Arbitration and Stay Litigation (Doc. 40) is **DENIED**.
- (3) Defendant Automated Data Processing, Inc.'s Motion to Dismiss Plaintiff's Amended Class Action Complaint for Failure to State a Claim (Doc. 38) is **GRANTED** as to all claims against Automated Data Processing, Inc., which are **DISMISSED with prejudice**.
- (4) Plaintiff Joshua Silfee is **DENIED** an opportunity to file a second amended pleading against Defendant Automated Data Processing, Inc.
- (5) Defendant ERG Staffing Services, LLP's Motion to Dismiss Plaintiff's Amended Class Action Complaint for Failure to State a Claim (Doc. 42) is **DENIED** as to all claims against ERG Staffing Services, LLP.

/s/ A. Richard Caputo  
A. Richard Caputo  
United States District Judge